

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Quasi Judicial Hearing: Variance
V 3-2-03, GL Homes of Davie Associates II, Ltd./Miller, Legg and Associates, Inc,
10445 Canterbury Court, generally located on the north side of Canterbury
Court, approximately 1500 feet west of Nob Hill Road.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:

The petitioner requests a variance **FROM:** Section 12-82(A) of the Land Development Code that requires a minimum lot frontage of 100 feet measured at the front setback line for the lots on cul-de-sac;
TO: reduce lot frontage to 95 feet.

REPORT IN BRIEF:

The subject site (Lot 94) is a vacant lot of 25,247 square feet located on a cul-de-sac street. The minimum required lot size for E district is 20,000 square feet and minimum lot frontage is 100 feet. The code requires that frontages of lots on cul-de-sacs or located on streets with curved alignments be measured at the front setback line. The subject property meets the code requirements in terms of lot size and frontage if measured at the front setback line, which is approximately 70 feet from the front property line approved on the Site Plan, SP 11-2-01.

The houses adjacent to the subject property have been built with approximately 35 feet and 45 feet front setback. The applicant is requesting to move the front setback line 31.3 feet towards the front property line. The variance will allow the applicant to build the house in a reasonable range alignment with the existing houses on the street. The new front setback line will set the proposed house approximately 27 feet back from the front of the house to the west and in line with the front of the house to the east. It will create more uniformed street appearance and larger back yard for the subject property.

PREVIOUS ACTIONS: None

CONCURRENCES: At the May 28, 2003 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Waitkus, to approve (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff recommends that the subject report, on the variance petition, be reviewed and discussed by Town Council so that a final decision may be rendered.

Attachment(s): Planning Report, Justification letter, Land use map, Subject site map, Aerial, and proposed signs.

Application #: V 3-2-03
Exhibit "A"

Revisions: 6/5/03
Original Report Date: 5/15/03

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

Application Information

Owner:

Name: GL Homes of Davie Associates II, Ltd.
Address: 1401 University Drive, Suite 200
City: Coral Springs, FL 33071
Phone:

Petitioner:

Miller, Legg & Associates, Inc
1800 N. Douglas Road, Suite 200
Pembroke Pines, FL 33024
(954) 436-7000

Background Information

Date of Notification: May 21, 2003 **Number of Notifications:** 8

Application History: No deferrals have been requested.

Application Request: Variance **FROM:** Section 12-82(A) of the Land Development Code that requires a minimum lot frontage of 100 feet measured at the front setback line for the lots on cul-de-sac; **TO:** reduce lot frontage to 95 feet.

Address/Location: 10445 Canterbury Court, generally located on the north side of Canterbury Court, approximately 1500 feet west of Nob Hill Road.

Future Land Use Plan Designation: Residential (1 DU/AC)

Zoning: E (Estate District)

Existing Use: Vacant

Proposed Use: Single Family Home

Parcel Size: 25,247 square feet

Surrounding Uses:

North: Lake
South: Single Family Home
East: Single Family Home
West: Single Family Home

Surrounding Zoning:

North: E, Estate District

Surrounding Land

Use Plan Designation:

Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)

South: E, Estate District
East: E, Estate District
West: E, Estate District

Zoning History

Previous Request on same property:

The subject site, which is within Long Lake Ranches of 73.82 acres located adjacent to Nob Hill Road, was rezoned to the Estate (E) zoning district by Ordinance 90-5 on February 21, 1990. The Estate zoning district was repealed by the Town Council by Ordinance 96-4, On February 21, 1996. A determination, made by the Town Administrator, grants the property owner the right to utilize the Estate zoning district for Long Lake Ranches.

The plat, Long Lake II, was approved by the Town Council on September 6, 2000, and by the Broward County Board of County Commissions on October 2, 2001.

On December 19, 2001, the Town Council approved the site plan (SP 11-2-01) for Long Lake Ranches.

Application Details

The subject site (Lot 94) is a vacant lot of 25,247 square feet located on a cal-de-sac street. The minimum required lot size for E district is 20,000 square feet and minimum lot frontage is 100 feet. The code requires that frontages of lots on cul-de-sacs or located on streets with curved alignments be measured at the front setback line. The subject property meets the code requirements in terms of lot size and frontage if measured at the front setback line, which is approximately 70 feet from the front property line approved on the Site Plan, SP 11-2-01.

The houses adjacent to the subject property have been built with approximately 35 feet and 45 feet front setback. To enhance the alignment of the front of the houses on the street, the applicant is requesting to move the front setback line 31.3 feet towards the front property line. As such, a variance is required to reduce the lot frontage from 100 feet to 95 feet measured at the new front setback line.

Applicable Codes and Ordinances

1. Section 12-82(A) of the Land Development Code that requires a minimum lot frontage of 100 feet measured at the front setback line for the lots on cul-de-sacs or located on streets with curved alignments.
 2. Section 12-309, Review for variance.
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Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives and Policies:

Objective 1: No later than December 1, 1989, the Town shall adopt and implement land development regulations, including subdivision regulations, that will encourage and facilitate residential development in accordance with the Future Land Use Plan, and in an aesthetically and environmentally sound manner.

Policy 1-1: The Town shall investigate and implement, as appropriate, innovative land development regulations that afford flexibility in developing residential communities while maintaining adequate standards necessary to promote the health, safety and welfare of Town residents.

Staff Analysis

The house west to the subject property was constructed with the front setback at approximately 35 feet from the front property line, and the house to the east was constructed approximately 45 feet from the front property line. If the proposed house on the subject site were built at the 70 feet front setback line approved on the Site Plan SP 11-2-01, the house would be approximately 58 feet back from the house to the west, and approximately 25 feet back from the house to the east. To move the front setback line 31.3 feet towards the front property line will enhance the street appearance by keeping the front of the houses within a reasonable variation range. In addition, the new placement of the house will provide larger back yard, which is more reasonable use of the property.

The requested variance has minimum impacts on the adjacent properties because the side setbacks from the adjacent properties will maintain a minimum of 15 feet as required by the code. The lot is a lakefront property and the lot size exceeds the code requirement by 5,247 square feet.

Finding of Facts

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

a) There is a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would deprive the

applicant of the reasonable use of such land or building for which the variance is sought. The alleged hardship is not self-created by persons having an interest in the property.

The subject site located on a cul-de-sac has an irregular shape. The pie shape make the front setback for the house set approximate 70 feet from the front property line to meet the code requirement regarding the minimum lot frontage. To build the house at the setback line required by the code would set the house far behind the existing houses on the street. The variance is necessary for the reasonable use of the land by creating larger back yard than front yard. The alleged hardship is not self-created.

(b) Granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Granting of the variance will allow the applicant to build the house in a reasonable range alignment with the existing houses on the street. The new front setback line will set the proposed house approximately 27 feet back from the front of the house to the west and in line with the front of the house to the east. It will create more uniformed street appearance and larger back yard for the subject property. Therefore, granting of the variance is necessary for the reasonable use of the land and that the variance as requested is the minimum variance that will accomplish this purpose.

(c) Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance has minimum impacts on the adjacent properties because the side setbacks will maintain a minimum of 15 feet as required by the code. The lot size exceeds the code requirement by 5,247 square feet. Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and the Town Council for further consideration.

Planning And Zoning Board Recommendation

At the May 28, 2003 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Waitkus, to approve (Motion carried 5-0).

Town Council Actions

Exhibits

Justification letter, Site Survey, Subject Site Map, Land Use Map and Aerial

Prepared by: _____

Reviewed by: _____

**VARIANCE JUSTIFICATION FOR
Lot 94 "Long Lake Ranches Plat One"**

REQUESTED VARIANCE: Lot 94 of "Long Lake Ranches Plat One" as recorded in Plat Book 171 Page 151 thru 157 of the Public Records of Broward County, Florida lies within the "E" Zoning District (Estate) according to Ordinance 90-5 of the Town of Davie. The "E" zoning district has provisions which require residential lots within that zoning district to maintain a 30 foot front setback. For Lots on cul-de-sacs or located on streets with curved alignments, the required front setback for residential structures shall be met at the mid-point of the arc radius width meeting the required minimum lot frontage of the "E" zoning district which is 100 feet. This variance request is to allow the front setback to be met at the 95 foot lot width instead of the 100 foot lot width. The front setback/lot configuration problem which necessitated the submittal of this variance application does not exist anywhere else within the Long Lake Ranches subdivision, whether zoned E or AG, and thus the approval of this variance would not set a precedent for similar applications in the future.

The following is our justification for the variance request:

- (a) The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulation were carried out literally.

Lot 94 lies on a cul-de-sac within the platted subdivision, therefore the front setback requirement is based on the location of the minimum lot width of 100 feet. The lot to the west of lot 94 which is lot 93 is a rectangular shaped lot and meets the minimum lot width at the required 30 foot front setback line. This lot however was constructed with the front setback at 35 feet +/- from the front property line. The front of lot 94, if constructed at the required setback (the 100 foot minimum lot width) would place the front of the house approximately 58 feet back from the front of lot 93 or 99 feet from the front property line. This request shifts the front of the house on Lot 94 approximately 30 feet closer to the front property line which provides the horizontal difference between the houses to be approximately 28 feet instead of 58 feet. Lot 95 which is East of Lot 94 is a large lot consisting of 41,548 square feet. This lot meets the minimum lot width at the setback line, however it has been constructed on the lot approximately 45 feet from the front property line on the cul-de-sac where the lot width is approximately 120 feet. Due to the physical location of the residential units lying on either side of Lot 94 this variance request will enhance the alignment of the front of all three units. In addition, the front facades of the cul-de-sac would also appear to have little visual connection of a community with the required setback at the 100 foot minimum lot width line. Given the circumstance of the two

adjacent homes under construction, relief from the setback requirement would allow for the street frontage to be more visually coherent for the entire community. Also, another hardship created by the 100 foot minimum lot width requires the front yard of Lot 94 to be setback approximately 98 feet while only providing approximately a 36 foot rear yard for the homeowner. Approval of this variance request would provide a front yard of approximately 55 feet in depth with a rear yard of approximately 70 feet.

- (b) The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.

There are only 3 cul-de-sacs lying within the "E" zoning district within this project. The uniqueness of this design is not generally applicable to other developments as the "E" zoning district no longer exists within the Towns' Land Development Code. The situation is unique to this cul-de-sac since the other cul-de-sac lots are more proportionately divided. The awkwardness imposed on this lot is due to the radial eastern property line which is platted and the adjacent lot 95 is currently under construction. Relief for a 5 foot decrease in the minimum lot width at the setback line is a creative solution to this unique circumstance.

- (c) The alleged difficulty or hardship has not been deliberately created to establish a use or structure which is not otherwise consistent with this Code.

This hardship was not deliberately created. Given the front setback criteria for the "E" zoning district and the current configuration of the platted lots and that Lot 94 is situated on a cul-de-sac, if the provisions of the code were to be literally met the front of the house would be aligned with the back of the house to the west. Lot 94 exceeds the minimum lot area and the granting of this variance will provide better alignment within the cul-de-sac lots. While there was no deliberate creation of this circumstance and all minimum code requirements can be met, relief from the minimum lot width at the setback line will provide for a more visually appealing street frontage and usable lot area.

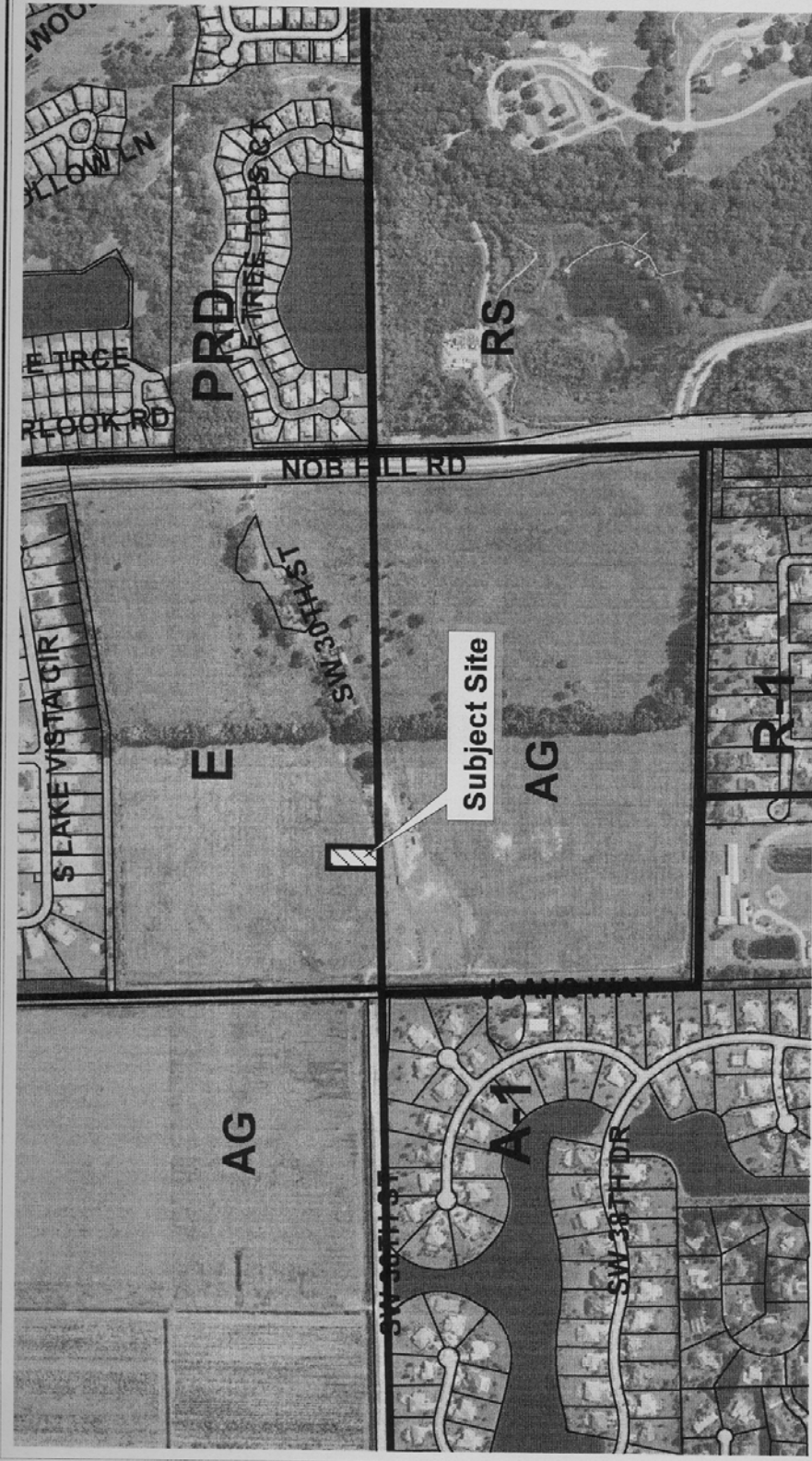
- (d) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.

Because the front of the house will be better aligned with the adjacent houses no detrimental impact to the surrounding properties will exist. The granting of this variance will still provide a front setback from the property line of 45 feet to the front of the structure. The lot width at the front of the structure will be approximately 95 feet instead of the code required 100 feet. The granting of this variance will not adversely impact the overall project nor the adjacent property owners or the public in any way. In fact, in the event the variance relief herein requested is not granted, the adjoining lots owners could argue

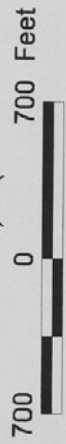
that they are being detrimentally impacted as the rear patio area of their houses/lots (93 and 95) would align, in part, with the rear structural side of the adjoining house built on Lot 94. Thus, the linear open space area usually created by the rear structural line of houses built with common front setbacks would be lost and would thus detrimentally impact the adjoining lots.

- (e) The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.

The request variance does not affect traffic, streets, fire safety, public safety, and will not impair property values in any way.



Date Flown:
12/31/00

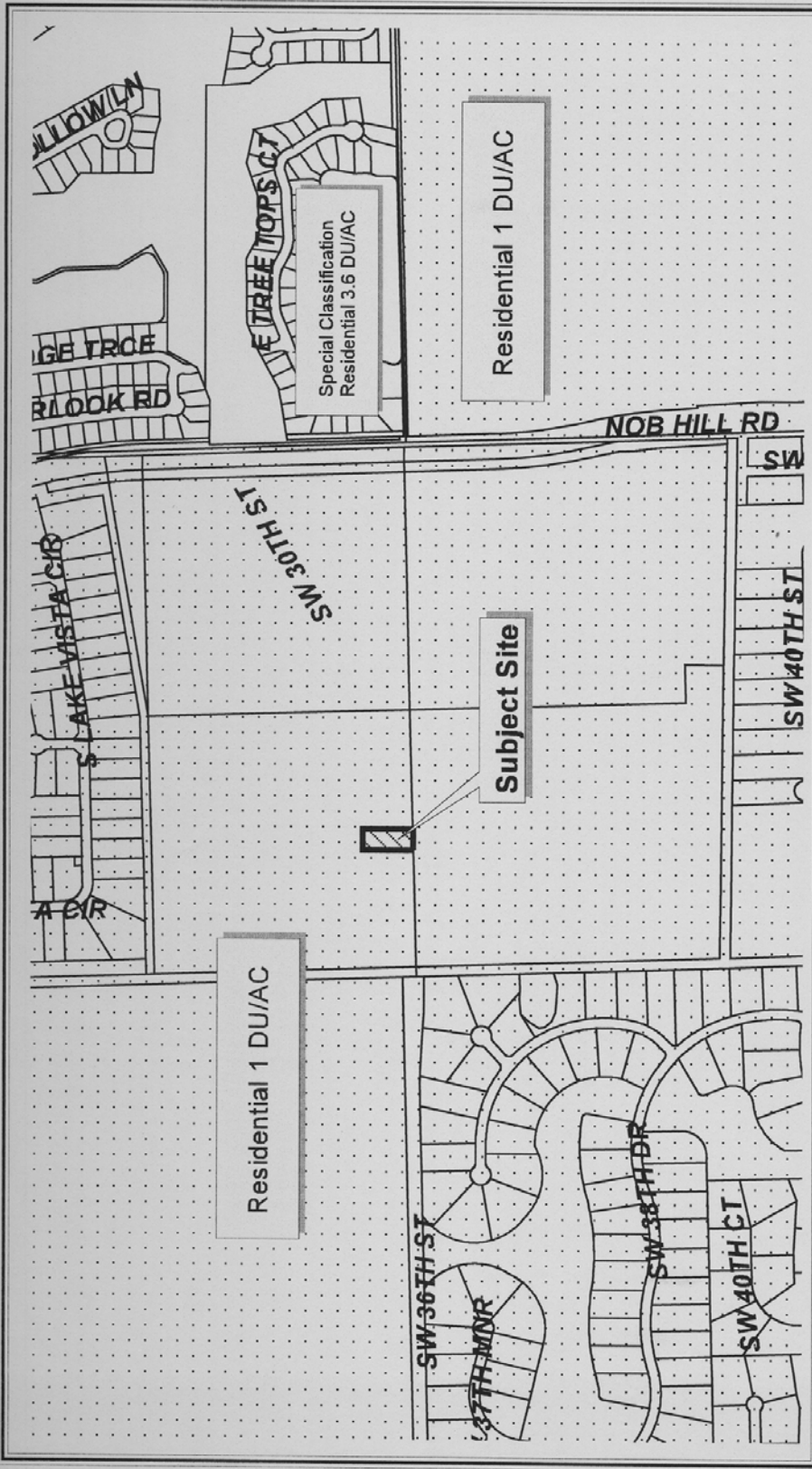


Planning & Zoning Division - GIS



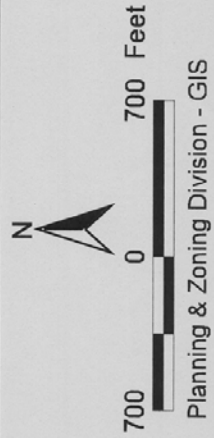
Variance V 3-2-03 Zoning and Aerial Map

Prepared By: AF
Date Prepared: 5/7/03



Variance V 3-2-03 Future Land Use Map

Prepared By: AF
Date Prepared: 5/7/03



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